



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/724,044	12/13/04	NATSUKI MAKINO, ET AL.	2003_1739A
Title: ELECTROLYTIC PROCESSING APPARATUS AND METHOD			

Art Unit	Paper Number
----------	--------------

Correspondence Address:

NILS E. PEDERSEN  
WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N.W.  
SUITE 800  
WASHINGTON, DC. 20006

PATENT & TRADEMARK OFFICE  
MAILED

MAY 20 2005

LICENSING & REVIEW  
Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 534,594

Grant Date: 20-May-05

Approved:

for Commissioner of Patents and Trademark

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such application or applications.

This license does not empower the filing of any applications, amendments, supplements or continuances originating in this country which disclose inventions, modifications, or variations not disclosed in the subject matter identified above.

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lessen the responsibility of the licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Foreign Assets Control, Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Administration, Department of Commerce; and the Department of Energy.

## LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
[www.uspto.gov](http://www.uspto.gov)

Nils E. Pedersen  
WENDEROTH, LIND & PONACK, L.L.P.  
2033 K St., N.W., Suite 800  
Washington, D.C. 20006-1021

In re: Makino et al : DECISION ON REQUEST  
Serial No.: 10/724,044 : UNDER 37 CFR 5.25  
Filing date: December 1, 2003  
Docket No: 2003-1739A

**Title: ELECTROLYTIC PROCESSING APPARATUS AND METHOD**

This is a decision on the petition filed on November 19, 2004 for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C.184 be granted with respect to the filings listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under a secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R 5.11 through error and without deceptive intent.

<b><u>Country</u></b>	<b><u>Date</u></b>
Japan	December 2, 2002
Japan	November 28, 2003

Ian J. Lobo  
Patent Examiner  
(703) 306-4161



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 1464  
Natsuki MAKINO et al. : Docket No. 2003\_1739A  
Serial No. 10/724,044 : Group Art Unit 1753  
Filed December 1, 2003 : Mail Stop: PETITION

ELECTROLYTIC PROCESSING  
APPARATUS AND METHOD

RECEIVED

NOV 19 2004

LICENSING & REVIEW

**PETITION FOR RETROACTIVE LICENSE UNDER 35 U.S.C. 184**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants in the above-referenced U.S. patent hereby petition for a retroactive foreign filing license under 35 U.S.C. 184 and in accordance with 37 C.F.R. § 5.25 and 5.14(a).

The corresponding United States application, currently on file, for which this petition for license is sought is identified above by its application number, filing date, inventors and title. In accordance with 37 C.F.R. § 5.14, no copy of this material is, accordingly, attached. Applicants understand that the licensed subject matter will be measured by the disclosure of the above-referenced U.S. patent application.

The list of foreign countries in which the unlicensed patent application material was filed is as follows:

Japan

The material was filed in Japan on December 2, 2002 and on November 28, 2003.

Japanese patent application No. 2003-350529, the first filed application, was revised and refiled as application 2003-399443, the later filed application. The above-referenced U.S. patent application claims priority on both of these applications.

11/22/2004 LWONNDIM1 00000089 10724044

01 FC:1460

130.00 0P

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0878

Verified statements by Mr. Kenichi Sasabe and Mr. Yukio Fukanaga including the required parts identified in 37 C.F.R. § 5.25(3) are attached. Also attached are support documents referenced in their statements.

It is noted that many of the support documents are submitted to establish the simple fact of a communication or meeting, e.g., and not for the specific contents thereof. The contents have been redacted in many instances to protect confidential, proprietary, and trade secret information and to maintain privilege based on attorney-client communications and/or attorney work product. While some of the support documents are submitted to establish the fact of an attorney-client communication or attorney work product, the contents thereof have been redacted and no waiver of privilege is made or intended.

It is respectfully submitted that these statements make it clear that the subject matter in the present application was not under a secrecy order at the time it was filed in Japan, that it is not currently under a secrecy order, that the license has been diligently sought after discovery of the proscribed foreign filing and that the foreign filing without the required license under § 5.11 was through error and without deceptive intent.

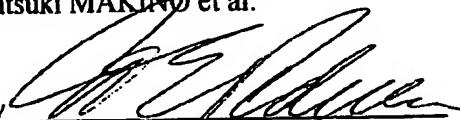
Further, the fee set forth in § 1.17(h) is attached.

Accordingly, it is respectfully submitted that this petition is complete and proper, and the grant of the petition is requested.

Respectfully submitted,

Natsuki MAKINO et al.

By



Nils E. Pedersen  
Registration No. 33,145  
Attorney for Applicants

NEP/krg  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
November 19, 2004